

AN ORDINANCE

Amending, the Comprehensive Development Code of the City of Marietta.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Division 708.15 NRC, Neighborhood Retail Commercial, paragraph G, Use Limitations, is hereby amended as follows:

G. Use Limitations.

1. No outdoor storage is permitted.
2. Storage of portable sanitation units, portable chemical toilets or any other container intended to hold human waste is prohibited.
3. No manufacturing processes are permitted.
4. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 2: Division 708.16 CRC, Community Retail Commercial, paragraph B, Permitted Uses, is hereby amended as follows:

B. Permitted Uses.

1. Adult establishments (subject to the requirements of Marietta Municipal Code Section 8-20-190).
2. Ambulance services.
3. Amusement centers and arcades, including billiards and pool halls.
4. Animal hospitals, kennels clinics.
 - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
 - b. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
5. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
6. Athletic and health clubs.
7. Automobile parts and tire store.
 - a. There shall be no dismantling of vehicles on the premises to obtain auto parts.
 - b. The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
 - c. Major auto repair shall not be permitted in connection with such uses.

- d. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile and shall be carried on entirely within an enclosed building.
 - e. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - f. Automobile parts and tire stores are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
8. Automobile leasing or rentals.
- a. All vehicles shall be set back at least 10 feet from the street right-of-way line.
 - b. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - c. Vehicle leasing or rentals is not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
 - d. Automobile leasing or rentals are exempt from Outdoor Storage limitations specified under paragraph G of this section.
9. Automobile, trailer and boat sales.
- a. Minimum two (2) acre lot size.
 - b. All vehicles shall be set back at least 10 feet from the street right-of-way line.
 - c. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - d. Automobile, trailer and boat sales are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
 - e. Automobile, trailer, and boat sales lots are exempt from Outdoor Storage limitations specified under paragraph G of this section.
10. Automotive repair shops (including paint and body).
- a. Such use shall not be permitted within 200 feet of any property used for a school, park, playground or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - d. All outdoor storage must comply with the limitations specified under paragraph G of this section.
 - e. Automotive repair shops (including paint and body) are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
11. Automobile service stations.
- a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
 - b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
 - d. No outside storage or engine/body dismantling is allowed.
 - e. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - f. Automobile service stations are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
12. Banks and financial institutions.

13. Barber and beauty shops.
14. Brew pubs (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Production space shall be limited subject to State Law.
15. Breweries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
 - d. A Special Land Use Permit shall be required for any such use located adjacent to residentially zoned property.
16. Convenience stores. Such uses may include self-service fuel sales, provided:
 - a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
 - b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. No automotive repair is allowed.
 - d. Convenience stores with self-service fuel sales are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
17. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
 - a. All activities shall take place within an enclosed building.
 - b. No outside storage or engine/body dismantling is allowed.
 - c. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - d. Car maintenance facilities are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
18. Carwashes.
 - a. Carwashes are not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
19. Clinics and health centers.
20. Coin operated laundries and dry-cleaning pickup establishments.
21. Coliseum, stadium. Minimum lot size of 5 acres.
22. Commercial landscapers.
 - a. All outdoor storage must comply with the limitations specified under paragraph G of this section.
 - b. Such use shall be at least 200 feet from any property zoned single family residential.
23. Copy centers.
24. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.
25. Day care centers and nursery schools, provided:
 - a. Such use must obtain certification from the Georgia Department of Human Resources
 - b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
26. Distilleries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.

- b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01).
 - d. A Special Land Use Permit shall be required for any such use located adjacent to residentially zoned property.
27. Drug abuse treatment centers (outpatient)
 28. Dry cleaning utilizing petrochemicals.
 - a. Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
 - b. No such plant may not serve more than five dry-cleaning pickup establishments other than itself.
 29. Eating and drinking establishments, including drive-in fast-food restaurants, but not including mobile retail food establishments. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
 30. Exterminating facilities.
 31. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage must comply with the limitations specified under paragraph G of this section.
 32. Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
 33. Golf courses, club houses and golf/baseball driving ranges.
 - a. The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
 - b. Central loudspeakers are prohibited.
 - c. Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
 34. Grocery and food stores.
 35. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
 36. Hospitals.
 37. Hotels and motels.
 - a. Such use shall not be established within 300 feet of any property zoned for residential use.
 - b. Maximum density of 100 guest units per acre.
 38. Lumber, hardware, paint, glass and wallpaper stores. All outdoor storage must comply with the limitations specified under paragraph G of this section.
 39. Medical and dental laboratories, provided chemicals are not manufactured on site.
 40. Mini warehouses and self-storage facilities. All storage must be contained within buildings; no outdoor storage allowed.
 41. Movie theaters.
 42. Non-automotive repair service centers. No outside storage is permitted.
 43. Parking lots and parking garages as a primary use. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic.
 44. Pharmacies and drug stores.
 45. Places of assembly.
 46. Plumbing and heating equipment dealers. Outdoor storage must comply with the limitations specified under paragraph G of this section.
 47. Printing services.
 48. Professional and general business offices. No outside storage is permitted.

49. Radio, recording and television studios.
50. Recreation facilities, indoor and outdoor
51. Retail trade involving the sale of merchandise on the premises, provided no single tenant occupies more than 40,000 square feet. Appropriate uses include, but are not limited to:
 - a. book and video stores (non-adult)
 - b. camera shops
 - c. florists
 - d. drug stores
 - e. gift shops
 - f. toy stores
 - g. pet grooming and supply shops
 - h. jewelry stores
 - i. furniture, home furnishings and equipment stores
 - j. pawn shops
 - k. office supplies
 - l. sporting goods and hobbies
 - m. apparel stores
 - n. beverage shops

All retail trade involving the sale of merchandise on the premises, where a single tenant occupies more than 40,000 square feet are subject to the following conditions:

1. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. These building facades shall include architectural elements such as, but not limited to, doors, entry areas, display windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior-building elevations must be reviewed and approved as a part of the overall final site plan review process.
2. Any roof or part thereof of a large retail establishment that is visible from a public right of way must conceal rooftop equipment such as HVAC units from the public view.
3. Bulk sanitation containers shall be enclosed and have a solid gate. The enclosure shall be on all four sides and be constructed of material that is opaque and compatible with the design, materials and color sections of the principal building.
4. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. No displays shall be placed within this eight (8) foot sidewalk width. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
5. Exterior finishes shall be primarily masonry, stone, or a combination of these. Exterior finishes that are plain concrete block, plain concrete, predominantly metal, plywood, split-faced block, sheet pressboard, and other similar materials are not allowed.
6. All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
7. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
8. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance

of all large retail establishments on the site. At a minimum, sidewalks shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of the length of the walkway.

52. Shopping centers (up to 200,000 square feet in gross floor area, including outparcels). All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear.
53. Stations, bus or train terminals for passenger service with minimum freight.
54. Taxi stands and dispatching agencies.
55. Wineries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
 - d. A Special Land Use Permit shall be required for any such use located adjacent to residentially zoned property.
56. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
57. Accessory uses and structures incidental to any legal permitted use.

Section 3: Division 708.16 CRC, Community Retail Commercial, paragraph G, Use Limitations, is hereby amended as follows:

G. Use Limitations.

1. Outdoor Storage.
 - a. A property zoned CRC cannot be used solely for outdoor storage but may have outdoor storage as an accessory to an allowable primary use.
 - b. All outdoor storage areas must be located in the rear yard behind the principal structure and enclosed by a solid fence or wall no less than six feet in height to provide for visual screening.
 - c. A maximum of 25% of the total lot area may be used for such purposes.
 - d. All outdoor storage must be located at least 50 feet from any property zoned for residential purposes and 25 feet from City right-of-way.
 - e. No storage of wrecked or non-operative automobiles or trucks.
 - f. No parts or waste materials shall be stored outside any building.
2. Storage of portable sanitation units, portable chemical toilets or any other container intended to hold human waste is prohibited.
3. No manufacturing processes are permitted.
4. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as

contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 4: Division 708.17 RRC, Regional Retail Commercial, paragraph B, Permitted Uses, is hereby amended as follows:

B. Permitted Uses.

1. Adult establishments (subject to the requirements of Marietta Municipal Code Section 8-20-190).
2. Ambulance Services.
3. Amphitheaters.
4. Amusement and theme parks.
5. Amusement centers and arcades, including billiards and pool halls.
6. Animal hospitals, kennels and veterinary clinics.
 - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
 - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
7. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
8. Athletic and health clubs.
9. Automobile leasing or rentals.
 - a. All vehicles shall be set back at least 10 feet from the street right-of-way line.
 - b. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - c. Vehicle leasing or rentals is not permitted on properties within Tier A of the Commercial Corridor Design Overlay District.
 - d. Automobile leasing or rentals are exempt from Outdoor Storage limitations specified under paragraph G of this section.
10. Automobile parts and tire store.
 - a. There shall be no dismantling of vehicles on the premises to obtain auto parts.
 - b. The only auto part installation that shall be permitted in connection with such use shall be the installation of tires and the installation of minor maintenance or accessory parts.
 - c. Major auto repair shall not be permitted in connection with such uses. Minor repair and maintenance may be permitted provided such repair and maintenance shall be incidental to the normal up-keep of an automobile and shall be carried on entirely within an enclosed building.
11. Automotive repair shops (including paint and body).
 - a. Such use shall not be permitted within 200 feet of any property used for a school, park, playground or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is within 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - d. All outdoor storage must comply with the limitations specified under paragraph G of this section.
12. Automobile service stations.
 - a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.

- b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
 - d. No outside storage or engine/body dismantling is allowed.
 - e. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
13. Automobile, trailer and boat sales.
- a. Minimum two (2) acre lot size.
 - b. All vehicles shall be set back at least 10 feet from the street right-of-way line.
 - c. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
 - d. Automobile, trailer, and boat sales lots are exempt from Outdoor Storage limitations specified under paragraph G of this section.
14. Banks and financial institutions.
15. Barber and beauty shops.
16. Brew pubs (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
- a. Production shall be in a wholly enclosed building.
 - b. Production space shall be limited subject to State Law.
17. Breweries including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
- a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
18. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
- a. All activities shall take place within an enclosed building.
 - b. No outside storage or engine/body dismantling is allowed.
 - c. Such use shall be at least 200 feet from any property zoned R-1, R-2, R-3, R-4, RA-4, RA-6, RA-8, RM-8, RM-10, RM-12, PRD-SF, or PRD-MF in the City of Marietta and any residentially zoned property in any other governmental jurisdiction.
19. Carwashes.
20. Clinics and health centers.
21. Coin operated laundries and dry-cleaning pickup establishments.
22. Coliseum, stadium. Minimum lot size of 5 acres.
23. Commercial indoor and outdoor recreational uses.
24. Commercial landscapers. Outdoor storage shall be located at least 200 feet from any property zoned single family residential and follow the restrictions outlined in paragraph G of this section.
25. Community fairgrounds.
26. Convenience stores. Such uses may include self-service fuel sales, provided:
- a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
 - b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. No automotive repair is allowed.
27. Copy centers.
28. Cultural facilities. Art galleries, museums, theaters, libraries, and other uses similar in character to those listed.

29. Day care centers and nursery schools, provided:
 - a. Such use must obtain certification from the Georgia Department of Human Resources
 - b. Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
30. Distilleries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
31. Dry cleaning utilizing petrochemicals.
 - a. Such use shall not be established within 100 feet of any property used or zoned for residential purposes.
 - b. No such plant may not serve more than five dry-cleaning pickup establishments other than itself.
32. Eating and drinking establishments, including drive-in fast-food restaurants, but not including mobile retail food establishments. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
33. Exterminating facilities.
34. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall comply with the limitations specified under paragraph G of this section.
35. Farmers' markets.
36. Funeral homes. All structures shall be located, and activities conducted, at least 100 feet from any property zoned for residential purposes.
37. Golf courses, club houses and golf/baseball driving ranges.
 - a. The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
 - b. Central loudspeakers are prohibited.
 - c. Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
38. Grocery and food stores.
39. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.
40. Homeless shelters. Minimum one acre lot size.
 - a. Such use shall be located at least 750 feet from residentially zoned property.
 - b. Such use may not be established within 1000 feet of any other shelter for the homeless.
 - c. All facilities shall comply with the criteria established for residential uses as per Southern Building Code Congress International (SBCCI) as amended.
41. Hospitals.
42. Hotels and motels. Such use shall not be established within 150 feet of any property zoned for residential use.
43. Lumber, hardware, paint, glass and wallpaper stores. Outdoor storage shall follow the restrictions outlined in paragraph G of this section.
44. Medical and dental laboratories provided no chemicals are manufactured on site.
45. Mini warehouses and self-storage facilities.
46. Movie theaters.
47. Non-automotive repair service centers.

48. Parking lots and garages. Up to 75% of the gross floor area of the ground floor level may be devoted toward commercial use oriented towards pedestrian traffic.
49. Pharmacies and drug stores.
50. Places of assembly.
51. Plumbing and heating equipment dealers. Outdoor storage shall follow the restrictions outlined in paragraph G of this section. Such use shall be at least 100 feet from any property zoned for residential purposes.
52. Printing services.
53. Professional and general business offices. No outside storage is permitted.
54. Radio, recording and television studios.
55. Retail trade involving the sale of merchandise on the premises, provided no single tenant occupies more than 40,000 square feet. Appropriate uses include, but are not limited to:
 - a. book and video stores (non-adult)
 - b. camera shops
 - c. florists
 - d. drug stores
 - e. gift shops
 - f. toy stores
 - g. pet grooming and supply shops
 - h. jewelry stores
 - i. furniture, home furnishings and equipment stores
 - j. pawn shops
 - k. office supplies
 - l. sporting goods and hobbies
 - m. apparel stores
 - n. beverage shops

All retail trade involving the sale of merchandise on the premises, where a single tenant occupies more than 40,000 square feet are subject to the following conditions:

1. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. These building facades shall include architectural elements such as, but not limited to, doors, entry areas, display windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior-building elevations must be reviewed and approved as a part of the overall final site plan review process.
2. Any roof or part thereof of a large retail establishment that is visible from a public right of way must conceal rooftop equipment such as HVAC units from the public view.
3. Bulk sanitation containers shall be enclosed and have a solid gate. The enclosure shall be on all four sides and be constructed of material that is opaque and compatible with the design, materials and color sections of the principal building.
4. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. No displays shall be placed within this eight (8) foot sidewalk width. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
5. Exterior finishes shall be primarily masonry, stone, or a combination of these. Exterior finishes that are plain concrete block, plain concrete, predominantly metal, plywood, split-faced block, sheet pressboard, and other similar materials are not allowed.

6. All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high brightness. Also, parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness.
7. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
8. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail establishments on the site. At a minimum, sidewalks shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of the length of the walkway.
56. Shopping centers and regional malls. All businesses and uses within these centers must be permissible within the district in their own right (and remain subject to any relevant distancing requirements) except dry cleaning plants utilizing petrochemicals. All loading areas shall be located to the rear. Car rental facilities shall be permitted provided they meet the following criteria:
 - a. All vehicles must be stored or otherwise kept to the rear of the shopping center.
 - b. No vehicle maintenance shall be performed on site except vacuuming and washing of vehicles.
 - c. The number of vehicles stored or otherwise kept on site cannot exceed twenty.
 - d. All vehicles on site must be in good working order.
57. Stations, bus or train terminals for passenger service.
58. Taxi stands and dispatching agencies.
59. Wineries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 - c. Production space over 15,000 square feet shall require a Special Land Use by the City Council subject to Section 712.01.
60. Zoos and other wildlife management facilities.
61. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
62. Accessory uses and structures incidental to any legal permitted use.

Section 5: Division 708.17 RRC, Regional Retail Commercial, paragraph G, Use Limitations, is hereby amended as follows:

G. *Use Limitations.*

1. Outdoor Storage.
 - a. A property zoned RRC cannot be used solely for outdoor storage but may have outdoor storage as an accessory to an allowable primary use.
 - b. All outdoor storage areas must be located in the rear yard behind the principal structure and enclosed by a solid fence or wall no less than six feet in height to provide visual screening.
 - c. A maximum of 25% of the total lot area may be used for such purposes.
 - d. All outdoor storage must be located at least 50 feet from any property zoned for residential purposes and 25 feet from City right-of-way.

- e. No storage of wrecked or non-operative automobiles or trucks.
- f. No parts or waste materials shall be stored outside any building.
- 2. Storage of portable sanitation units, portable chemical toilets or any other container intended to hold human waste is prohibited.
- 3. No manufacturing processes are permitted.
- 4. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 6: Division 708.24 OS, Office Services, paragraph G, Use Limitations, is hereby amended as follows:

G. Use Limitations.

- 1. No uses which emit odors, fumes or sounds are permitted.
- 2. Outdoor Storage
 - a. A property zoned OS cannot be used solely for outdoor storage but may have outdoor storage as an accessory to an allowable primary use.
 - b. All outdoor storage areas must be located in the rear yard behind the principal structure and must be enclosed by a solid fence or wall no less than six feet in height to provide visual screening.
 - c. A maximum of 25% of the total lot area may be used for such purposes.
 - d. All outdoor storage must be located at least 50 feet from any property zoned for residential purposes and 25 feet from City right-of-way.
 - e. No storage of wrecked or non-operative automobiles or trucks.
 - f. No parts or waste materials shall be stored outside any building.
- 3. Storage of portable sanitation units, portable chemical toilets or any other container intended to hold human waste is prohibited.
- 4. No manufacturing processes are permitted.
- 5. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 7: Division 708.26 LI, Light Industrial, paragraph B, Permitted Uses, is hereby amended as follows:

B. Permitted Uses.

- 1. Administrative and distribution offices including contractors' offices. All outdoor storage must comply with the limitations specified under Paragraph G. of this section.

2. Adult establishments (subject to the requirements of Marietta Municipal Code Section 8-20-190).
3. Agriculture and forestry, provided:
 - a. All buildings used for livestock shall be set back not less than 200 feet from any property line.
 - b. All animals shall be maintained at least 100 feet from any property line.
 - c. Livestock and poultry rearing are not permitted on lots containing less than two acres.
 - d. Abattoirs and hatcheries shall be located at least 300 feet from any property zoned for residential use.
4. Ambulance services.
5. Animal hospitals, kennels and veterinary clinics.
 - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
 - b. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
6. Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
7. Automobile service stations.
 - a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
 - b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
 - d. No outside storage or engine/ body dismantling is allowed.
8. Automobile, trailer, and boat sales/service.
 - a. Minimum one acre lot size.
 - b. All vehicles shall be set back at least 10 feet from the street right-of-way line.
 - c. Such use shall be located at least 50 feet from any properties zoned for residential purposes.
 - d. A solid fence or wall no less than six feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
9. Automotive repair shops (including paint and body).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any properties zoned or used for residential purposes.
 - d. All outdoor storage must comply with the limitations specified under paragraph G of this section.
10. Breweries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
11. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
 - a. All activities shall take place within an enclosed building.
 - b. No outside storage or engine/body dismantling is allowed.
12. Carwashes
13. Coliseum, stadiums and amusement parks. Minimum 5-acre lot size.

- a. The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
 - b. No building shall not be permitted within 500 feet of property zoned or used for residential purposes.
14. Community fairs.
 15. Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
 16. Distilleries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 17. Drive-in movie theater.
 - a. The theater screen and all buildings shall be set back at least 50 feet from any property line.
 - b. Central loudspeakers are prohibited.
 - c. The theater screen shall not be visible from an interstate or arterial roadway.
 18. Dry cleaning plants.
 - a. Such use shall be at least 300 feet from any property zoned or used for residential purposes.
 - b. All applicable state, federal and local codes must be met.
 19. Exterminating facilities.
 20. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall comply with the limitations specified under paragraph G of this section.
 21. Farmers markets.
 22. Fuel and ice dealers.
 23. Funeral homes. All structures shall be located, and activities conducted, at least 100 feet from any property zoned for residential purposes.
 24. Golf courses, club houses and golf/baseball driving ranges.
 - a. The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
 - b. Central loudspeakers are prohibited.
 - c. Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
 25. Greenhouse or plant nursery, commercial.
 26. Health service clinics (including accessory pharmacies).
 27. Heavy repair services and trade shops, including sheet metal, upholstering, plumbing, carpentry, sign painting and other similar activities.
 28. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence or wall no less than eight feet in height.
 29. Industrial/warehouse parks.
 30. Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
 31. Light manufacturing establishments.
 - a. Maximum lot size of 5 acres.
 - b. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.
 32. Movie theaters.
 33. Newspaper publishing facilities.
 34. Office service and supply facilities (non-retail).

35. Outdoor advertising services. Includes the construction, repair, and maintenance of outdoor advertising signs. All non-storage activities shall be conducted within an enclosed building. Outdoor storage as an accessory use must comply with the limitations specified under paragraph G of this section.
36. Outdoor storage facilities, excluding junk and salvage yards (see standards set forth in Section 710.08) as a primary use. Outdoor storage as an accessory use must comply with the limitations specified under paragraph G of this section.
 - a. Such use shall be enclosed by an opaque fence or wall no less than six feet in height which provides continuous visual screening.
 - b. No repair or other such activity shall be conducted.
 - c. No open storage of wrecked or non-operative automobiles or trucks.
 - d. No parts or wasted materials shall be stored outside any building.
 - e. Such use shall be at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
37. Parking lots and garages
38. Places of assembly
39. Printing services.
40. Private parks and playgrounds.
41. Public buildings and utilities.
42. Radio and television studio facilities.
43. Rail, bus and transit stations.
44. Recreation and entertainment facilities, commercial. All activities must take place in a wholly enclosed building.
45. Recycling collection centers (see standards set forth in Section 710.08).
46. Research laboratories including medical and dental labs.
47. Taxi stands and dispatching agencies.
48. Vocational schools.
49. Warehousing, including commercial mini warehouses.
50. Wholesale trade and distribution facilities, including office showrooms and display areas.
51. Wineries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
52. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
53. Accessory uses and structures incidental to any legal permitted use, provided:
 - a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
 - b. No show window or other advertising shall be visible from the exterior of the primary use structure.

Section 8: Division 708.26 LI, Light Industrial, paragraph G, Use Limitations, is hereby amended as follows:

G. Use Limitations.

1. Outdoor Storage as an accessory use:
 - a. All outdoor storage areas must be located in the rear yard behind the principal structure and enclosed by a solid fence or wall no less than six feet in height to provide visual screening.

- b. A maximum of 50% of the total lot area may be used for such purposes.
 - c. All outdoor storage must be located at least 50 feet from any property zoned for residential purposes and 25 feet from City right-of-way.
 - d. No storage of wrecked or non-operative automobiles or trucks.
 - e. No parts or waste materials shall be stored outside any building.
2. Building design and materials may be of the developer's choosing; however:
- a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. However, metal siding may be used on building facades in areas zoned LI that are not visible from an arterial or collector roadway.
 - c. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 9: Division 708.27 HI, Heavy Industrial, paragraph B, Permitted Uses, is hereby amended as follows:

B. Permitted Uses.

- 1. Administrative and distribution offices including contractor's offices. All outdoor storage must comply with the limitations specified under paragraph G of this section.
- 2. Adult establishments (subject to the requirements of Marietta Municipal Code 8-20-190).
- 3. Agriculture and forestry, provided:
 - a. All buildings used for livestock shall be set back not less than 200 feet from any property line.
 - b. All animals shall be maintained at least 100 feet from any property line.
 - c. Livestock and poultry uses are not permitted on lots containing less than 2 acres.
 - d. Abattoirs and hatcheries shall be located at least 300 feet from any property zoned for residential use.
- 4. Ambulance services.
- 5. Animal grooming shops. All structures shall be located, and activities conducted, at least 100 feet from any property zoned for residential purposes.
- 6. Animal hospitals, kennels and veterinary clinics.
 - a. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
 - b. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
- 7. Assembly and fabrication
- 8. Automobile, trailer and boat sales/service.
 - a. Minimum one acre lot size.
 - b. All vehicles shall be set back at least 10 feet from the street right-of-way line.
 - c. Such use shall be located at least 50 feet from any properties zoned for residential purposes.
 - d. A solid fence or wall no less than six feet in height shall be maintained to provide a visual screening between the residential and commercial properties.
- 9. Automobile service stations.
 - a. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.

- b. Canopies over fuel islands shall not encroach within 15 feet of any property line.
 - c. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
 - d. No outside storage or engine/body dismantling is allowed.
10. Automotive repair shops (including paint and body).
 - a. Such use shall not be permitted within 50 feet of any property used for a school, park, playground, or hospital.
 - b. All activities shall be carried on entirely within an enclosed building.
 - c. Such use shall not be established on a lot which is adjacent to or directly across the street from any properties zoned or used for residential purposes.
 - d. All outdoor storage must comply with the limitations specified under paragraph G of this section.
 11. Breweries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 12. Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like.
 - a. All activities shall take place within an enclosed building.
 - b. No outside storage or engine/body dismantling is allowed.
 13. Carwashes.
 14. Coliseum, stadium. 5-acre minimum lot size.
 15. Community fairs.
 16. Distilleries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
 17. Drive-in movie theater.
 - a. The theater screen and all buildings shall be set back at least 50 feet from any property line.
 - b. Central loudspeakers are prohibited.
 - c. The theater screen shall not be visible from an interstate or arterial roadway.
 18. Dry cleaning plants.
 - a. Such use shall be at least 300 feet from any property zoned or used for residential purposes.
 - b. All applicable state, federal and local codes must be complied with.
 19. Exterminating facilities.
 20. Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall comply with the limitations specified under paragraph G of this section.
 21. Farmers markets.
 22. Fuel and ice dealers.
 23. Funeral homes. All structures shall be located, and activities conducted, at least 100 feet from any property zoned for residential purposes.
 24. Greenhouse or nursery, commercial.
 25. Heavy repair services and trade shops, including sheet metal, upholstery, plumbing, carpentry, sign painting and other similar activities.
 26. Helicopter landing areas. Minimum one acre. Must be enclosed by a fence no less than 8 feet in height.

27. Manufacturing establishments involving the conversion of raw materials into useable finished products, provided that any manufacturing process which generates liquid waste complies with all local, state and federal pollution standards.
28. Newspaper publishing facilities.
29. Office service and supply facilities (non-retail).
30. Outdoor advertising services. Includes the construction, repair, and maintenance of outdoor advertising signs. All non-storage activities shall be conducted within an enclosed building. Outdoor storage as an accessory use must comply with the limitations specified under paragraph G of this section.
31. Outdoor storage facilities, excluding junk and salvage yards, shall be permitted in compliance with Section 710.08, as a primary use. Outdoor storage as an accessory use must comply with the limitations specified under paragraph G of this section.
 - a. Such use shall be enclosed by a solid fence or wall no less than six feet in height which provides continuous visual screening.
 - b. No repair or other such activity shall be conducted.
 - c. No storage of wrecked or non-operative automobiles or trucks.
 - d. No parts or wasted materials shall be stored outside any building.
 - e. Such use shall be at least 50 feet from any property zoned or used for residential purposes and 25 feet from City right-of-way.
32. Parking lots and garages.
33. Places of assembly.
34. Printing services.
35. Private parks and playgrounds.
36. Public buildings and utilities.
37. Radio and television studio facilities.
38. Rail, bus and transit stations.
39. Rail yards. Minimum 10 acres.
40. Recreation and entertainment facilities, commercial. All activities must take place in a wholly enclosed building.
41. Recycling collection centers. Outdoor storage shall be in compliance with Section 710.08.
42. Research laboratories including medical and dental labs.
43. Taxi stands and dispatching agencies.
44. Tire retreading and recapping.
45. Warehousing.
46. Wholesale trade and distribution facilities, including office showrooms and display areas.
47. Vocational schools.
48. Wineries, including accessory tasting rooms (subject to Marietta Municipal Code Chapter 8-8 Alcoholic Beverages).
 - a. Production shall be in a wholly enclosed building.
 - b. Any building or structure established in connection with such use shall be set back not less than 50 feet from any residentially zoned property.
50. Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
51. Accessory uses and structures incidental to any legal permitted use, provided:
 - a. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
 - b. No show window or other advertising shall be visible from the exterior of the primary use structure.

Section 10: Division 708.27 HI, Heavy Industrial, paragraph G, Use Limitations, is hereby amended as follows:

G. Use Limitations.

1. Outdoor Storage as an accessory use:
 - a. All outdoor storage areas must be located in the rear yard behind the principal structure and enclosed by a solid fence or wall no less than six feet in height to provide visual screening.
 - b. A maximum of 50% of the total lot area may be used for such purposes.
 - c. All outdoor storage must be located at least 50 feet from any property zoned for residential purposes and 25 feet from City right-of-way.
 - d. No storage of wrecked or non-operative automobiles or trucks.
 - e. No parts or waste materials shall be stored outside any building.
2. Building design and materials may be of the developer's choosing; however:
 - a. Any façade of a building where any portion of that façade is visible from a roadway shall be constructed with a mixture of brick, stone, rock, wood, glass, cementitious siding, aluminum composite material (ACM) panels, or split-faced concrete block (defined as a concrete building unit which appears to have been hand-chiseled (or "split") to give it a textured look).
 - b. However, metal siding may be used on building facades in areas zoned HI that are not visible from an arterial or collector roadway.
 - c. The Board of Zoning Appeals shall not issue and are not granted the authority to issue variances to any of the regulations relating to building design and materials, as contained in this paragraph; all such variance requests must be submitted to City Council for consideration.

Section 11: Division 710, Section 710.08 Storage in non-residential areas, is hereby amended as follows:

710.08 Storage in non-residential areas

- A. Outdoor storage areas
 1. Outdoor storage areas shall only be permitted as a primary use in LI and HI districts.
 2. Outdoor storage areas may be permitted as an accessory to an allowable primary use in CRC, RRC, OS, LI, and HI districts, but must be located in the rear yard behind the principal structure and enclosed by a solid fence not less than 6 feet in height to provide visual screening.
 3. Such use shall be subject to the following:
 - a. The regulations of the applicable zoning district.
 - b. No storage of wrecked or non-operative automobiles and trucks.
 - c. No parts or waste materials shall be stored outside any building.
- B. Bulk sanitation containers, temporary bulk waste containers, and donation boxes
 1. Bulk sanitation containers and donation boxes are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right of way.
 2. No bulk container or donation box shall be located within 50 feet of a structure utilized for detached single-family residential purposes.
 3. The Director of the Department of Development Services may provide for an exemption from this requirement when conditions cannot be met. In such cases, the property owner or tenant may submit a plan for the Director's approval. Such plan may include provision for an alternative container utilizing appropriate screening such as a nontransparent fence not less than 6 feet in height with a gate which will open in full to allow service.

4. Temporary bulk waste containers shall not be located within non-residential districts except in cases where a building permit has been issued and an active renovation, remodeling or building project is under way. In such cases in which temporary bulk waste containers are allowed, they shall be kept at the furthest accessible point from the street. In cases where such location is not possible, administrative approval may be granted to allow the location of storage containers in an appropriate location. The temporary bulk waste containers must be immediately removed at the expiration of the building permit.

Section 12: Division 724, Section 724.02 Definition of terms, is hereby amended to add as follows:

724.02 Definition of terms

- *Fence, solid:* A fence constructed of substantial material, including but not limited to wood, cementitious boards, and other materials that are similar in appearance. When wooden and/or cementitious planks or boards are used to construct the fence, spacing between such planks or boards must be as close as possible to provide continuous visual screening. "Solid fence" shall not include tarpaulins, chain link with slats, cloth material, scrap material, or vegetation.

Section 13: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 14: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 15: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by: Rusty Roth
Rusty Roth, AICP
Director, Development Services Department

Approved as to Form: Doug Haynie
Doug Haynie, City Attorney

Approved by City Council:

DATE: 12.20.73

APPROVED: R. Steve Tumlin
R. Steve Tumlin, Mayor

ATTEST:
Stephanie Guy
Stephanie Guy, City Clerk